

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ANTHONY WAYNE WHITE,
#541668,

Plaintiff,

v.

DARRON A. LANE, ET AL.,

Defendant.

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Case No. 6:20-cv-10

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Anthony Wayne White, an inmate confined at the Texas Department of Criminal Justice's Coffield Unit, proceeding pro se and seeking to proceed *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging purported violations of his constitutional rights. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.


On January 17, 2020, Judge Love issued a Report and Recommendation (Docket No. 4), recommending that the Court reject Plaintiff's request to proceed *in forma pauperis* and dismiss this case with prejudice for purposes of proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). Judge Love addressed Plaintiff's claim of imminent danger—finding that Plaintiff's claims were speculative, refuted by his own attachments, and conclusory, and indicated merely his concern for past harm. *See e.g., Davis v. Stephens*, 589 F. App'x 295, 296 (5th Cir. 2015) (mem.) (unpublished)

“His allegations that he might be seriously injured at an indefinite point in the future . . . [are] insufficient to establish that he was in imminent danger of serious physical injury at the relevant times.”).

Plaintiff timely filed objections (Docket No. 5). The Court has conducted a careful de novo review of the record and the Magistrate Judge’s proposed findings and recommendation. See 28 U.S.C. § 636(b)(1) (District Judge shall “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”). Based on that review, the Court has determined that the Report of the United States Magistrate Judge is correct, and Plaintiff’s objections are without merit.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge’s Report (Docket No. 4) is **ADOPTED**, that Plaintiff’s motion to proceed *in forma pauperis* (Docket No. 2) is **DENIED**, and that the above-styled civil action is **DISMISSED WITH PREJUDICE** for purposes of an *in forma pauperis* proceeding under 28 U.S.C. § 1915(g). Any other pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this 14th day of **February, 2020**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE